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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,772	02/04/2004	Bo J. Stout	P00802-US-00	5170
22446	7590	03/07/2006	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/771,772	STOUT ET AL.	
	Examiner	Art Unit	
	Ismael Negron	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 7-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/4/04</u> .                                                              | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on January 6, 2006 has been entered. Claims 1, 3, 5 and 6 have been amended. Claims 2, 4 and 14-19 have been cancelled. No claim has have been added. Claims 1, 3 and 5-13 are still pending in this application, with claims 1 and 6 being independent.

### *Title*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Automobile Lamp Assembly having** Rotating Anti-Glare Shield **and Method**.

### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it uses phrases which can be implied and misrepresent the subject matter of the invention. Correction is required. See MPEP § 608.01(b).

4. The Examiner respectfully suggests amending the abstract as follows:

**An automobile** lamp assembly ~~is provided which reduces the illumination of the foreground area in front of a vehicle so as to reduce reflective glare.~~ **A including** movable glare shield which is moved into the portion of the beam of light produced by a lamp assembly that is associated with the foreground area, thereby reducing the illumination level in the foreground area. The shield may be rotatably moved out of the light beam blocking position to allow for normal illumination pattern when glare is not present.

**Specification**

5. The disclosure is objected to because of the following informalities: page 3, lines 11 and 12 should read "*between the reflector and the lens of a lamp assembly. Initially, the shield is placed in a position where it does not block light **directed to a foreground area** from passing out of the lamp assembly. The shield may be opaque,*".

Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 5 and 6 rejected under 35 U.S.C. 102(b) as being anticipated by MIYAUCHI et al. (U.S. Pat. 4,875,141).

7. MIYAUCHI et al. discloses an automobile lamp assembly having:

- **a reflector (as recited in Claim 6), Figure 1, reference number 14;**
- **the reflector having an optical axis (as recited in Claim 6), as seen in Figure 5;**
- **a light source (as recited in Claim 6), Figure 3, reference number 17;**

- **the light source being placed such that light from the light source impinges upon the reflector and is reflected in a forward direction (as recited in Claim 6), as seen in Figure 5;**
- **a lens (as recited in Claim 6), Figure 1, reference number 4;**
- **the lens being located forward of the reflector (as recited in Claim 6), as seen in Figure 1;**
- **the light reflected by the reflector passing through the lens and exiting the lamp assembly in the form of a beam (as recited in Claim 6), as seen by Figure 5;**
- **the beam producing an illumination field (as recited in Claim 6), as seen in Figure 5;**
- **the illumination field having an upper area and a foreground area (as recited in Claim 6), as seen in Figure 5;**
- **a reflective glare reducing shield (as recited in Claim 6), Figure 1, reference number 28;**
- **the shield being rotatable within a plane generally perpendicular to the optical axis of the reflector (as recited in Claim 6), as evidenced in Figure 2;**
- **the shield being rotatable between a first position and a second position (as recited in Claim 6), inherent;**

- **a first illumination level being produced in the foreground area by the shield when in the first position (as recited in Claim 6), as seen in Figure 12a-12d;**
- **a second illumination level being produced in the foreground area by the shield when in the second position (as recited in Claim 6), as seen in Figure 12a-12d;**
- **the second illumination level being less than the first illumination level (as recited in Claim 6), as seen in Figure 12a-12d;**
- **the shield being movable between a plurality of positions between the first and second positions (as recited in Claim 5), inherent;**
- **the plurality of the illumination positions producing a respective plurality of illumination levels (as recited in Claim 5), inherent; and**
- **each of the plurality of illumination levels being greater than the second illumination level, but less than the first illumination level (as recited in Claim 5), as seen in Figure 12a-12d.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over MIYAUCHI et al. (U.S. Pat. 4,875,141).
9. MIYAUCHI et al. discloses method for changing the illumination patter of a lamp assembly, such method including:
  - **determining an activation condition exists (as recited in Claim 1), column 1, lines 6-13;**
  - **rotating a rotatable shield within a plane generally perpendicular to the lamp assembly optical axis (as recited in Claim 1), column 5, lines 50-54;**
  - **the shield being place forward of the lamp assembly (as recited in Claim 1), as seen in Figure 1;**
  - **the shield producing an illumination field with reduced illumination in the foreground area (as recited in Claim 1), as seen in Figure 12a-12d;**



- **the step of rotting the shield including the step of rotating an opaque shield forward of the lamp assembly (as recited in Claim 3), as evidenced by Figure 5.**

10. MIYAUCHI et al. discloses all the limitations of the claims, except the activation condition being specifically a potential reflective glare producing condition (as recited in Claim 1).

11. One of ordinary skill in the art at the time the invention was made would have recognized the activation condition of MIYAUCHI et al. (i.e. inclination of the vehicle body) as one capable of producing reflective glare (e.g. "potential reflective glare producing condition"). However, even if excessive inclination of the vehicle body was not recognized as potentially producing reflective glare, it would have been obvious to one of ordinary skill in the art at the time the invention was made to activate the patented device of MIYAUCHI et al. when such condition was detected or expected, to minimized the effects of reflective glare on an user of the vehicle.

In addition, the Examiner takes Official Notice that the use of masks to reduce glare are old and well known in the vehicle illumination art (see following Section 12).

***Relevant Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Tjaden** (U.S. Pat. 1,678,170), **Rynearson** (U.S. Pat. 2,665,371), **Taniuchi** (U.S. Pat. App. Pub. 2002/0085387) and **Sugimoto** (U.S. Pat. App. Pub. 2005/0024889) disclose vehicle lamp assemblies for reducing glare by positioning a masking shield in the path of the produced light beam.

**Alphen** (U.S. Pat. 4,075,469), **Nakazawa et al.** (U.S. Pat. 4,922,390), **Ikegami et al.** (U.S. Pat. 5,158,352), **Jones** (U.S. Pat. 5,426,571) and **Taniuchi et al.** (U.S. Pat. 6,663,270) disclose vehicle lamp assemblies having means to change the illumination pattern of the assembly in response to a sensed/desired condition, the means for changing the illumination pattern including a masking element rotated in a plane generally perpendicular to the axis of the lamp assembly.

***Allowable Subject Matter***

13. Claims 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a vehicle lamp assembly having a reflector, a light source a lens, and a reflective glare-reducing shield. The shield is rotated within a plane generally perpendicular to the optical axis of the reflector, between a first and a second position, the second position producing a lower illumination level in a foreground area, than the first position. The shield includes a ring with teeth located around the ring, and a shield section protruding into the center on the ring.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically a reflective glare reducing shield rotated between a first and a second position, within a plane generally perpendicular to the optical axis of the reflector, and including a ring with a section protruding into the center of such ring, in combination with the claimed lamp assembly.

### ***Response to Arguments***

15. Applicant's arguments filed January 6, 2006 have been carefully considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-

Art Unit: 2875

2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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